

# REPORT

Of Chief Justice Wood, respecting Claims made to Reward offered for Apprehension of the Murderers of Thomas Scott.

Presented to the Legislative Assembly by Command of His Honor the Lieutenant-Governor.

S. C. WOOD,  
*Secretary.*

PROVINCIAL SECRETARY'S OFFICE,  
TORONTO, February 1st, 1876.

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*Copy of an Order in Council approved by His Honor the Lieutenant-Governor the 20th day of January, 1876.*

The Committee of Council have had under consideration the annexed Report of the Honourable the Attorney-General, dated the 13th January, 1876, with reference to the apportionment of the reward of \$5,000 offered by the Ontario Government to such person or persons as might be instrumental in bringing to trial the murderers of the late Thomas Scott, and advise that the said Report be acted upon.

Respectfully submitted.

(Signed) O. MOWAT,  
*Chairman.*

(Signed) J. G. SCOTT,  
Clerk Executive Council.  
15th January, 1876.

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TORONTO, 13th January, 1876.

The undersigned has the honour to submit for the consideration of the Lieutenant-Governor in Council the accompanying Report of the Honourable E. B. Wood, Chief Justice of Manitoba, who, by Commission, dated 6th September, 1875, was authorized to cite before him such persons as claimed to be entitled to share in the reward of \$5,000 offered by the Province of Ontario, to such person or persons as might be instrumental in bringing to trial the murderers of the late Thomas Scott, and also the evidence returned by the Honourable the Chief Justice, with his Report.

The Chief Justice reports that on Wednesday, the 22nd day of September, 1875, at the Court House, in the City of Winnipeg, pursuant to public notice in that behalf published in all the newspapers in Winnipeg, namely, the *Free Press*, the *Nor'-Wester* and the *Standard*, he opened the Commission, and proceeded with the investigation, having previously caused to be mailed to each of the claimants a notice that the inquiry would be proceeded with at the said place, at 11 o'clock A.M. of the said day.

Mr. Wood recommended that the said reward be apportioned amongst the following parties, and in the following proportions:—

William A. Farmer.....	\$2,000 00
Francis E. Cornish.....	400 00
C. B. Thibaudeau.....	400 00
Leon Dupont.....	330 00
John S. Ingram.....	330 00
Edward Armstrong (Sheriff).....	330 00
John A. Kerr.....	330 00
George M. Young.....	300 00
Thomas Hughes.....	290 00
H. W. Smith.....	290 00

—subject to a ratable deduction of the costs and expenses of the Commission.

The parties above-named are the only parties who claim to be entitled to any portion of the said reward, and they all, before the hearing was commenced, signed an undertaking agreeing to submit their several claims to the investigation and report of the said Chief Justice, as Commissioner as aforesaid, and to the final decision (under the evidence to be taken under the said Commission, and the Report thereon by the Chief Justice) of the Lieutenant-Governor in Council of this Province, and agreeing to be bound by such final decision.

The undersigned, upon consideration of the evidence, is of opinion that the division recommended by the Chief Justice is just and equitable, and that the said parties are entitled to claim the payment of the amount of the said reward so offered.

The undersigned therefore respectfully recommends that each of the said parties be declared entitled to receive the amount set opposite his name as above, less a discount of six per cent. to be deducted therefrom, in order to defray the expenses of the inquiry.

The undersigned further recommends that the sum of \$5,000 be inserted in the supplementary estimates to enable the Lieutenant-Governor to pay the said sums, and that the sum of \$300 be allowed to the said Chief Justice for his services and disbursements in executing the said Commission.

(Signed) O. MOWAT,  
Attorney General.

*Commission appointing the Hon. EDMUND BURKE WOOD to inquire into the various claims made to the reward offered by the Ontario Government for the apprehension of the murderers of one THOMAS SCOTT.*

Recorded this 7th day of September, A.D. 1875.

Liber I, G.S., Folio 316.

JOHN F. C. USSHER,  
Deputy Registrar of the Province of Ontario.

D. A. MACDONALD.

*Canada, Province of Ontario.*

VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, Queen,  
Defender of the Faith, &c., &c., &c.

To the Honourable EDMUND BURKE WOOD, Chief Justice of the Province of Manitoba,

GREETING :

Whereas, in pursuance of an Order in Council of 1st day of August, one thousand eight hundred and seventy-five, an advertisement was inserted in the *Standard* and *La Metis* newspapers, published at Winnipeg, in the Province of Manitoba, requiring such persons as claimed to be entitled to the reward offered by the Province of Ontario, to such person or persons as might be instrumental in bringing to trial the murderers of the late Thomas Scott, who was murdered in the month of March, A.D. 1870, near Fort Garry, or to any

portion of such reward, to transmit their claim, accompanied with evidence of what action they had taken, entitling them to the said reward, or to share therein, to the Honourable the Provincial Secretary, within two months from the date of such advertisement, and giving notice that in the event of the failure of any persons to transmit their claim as aforesaid, they would be barred from all right to participate therein; and whereas the time limited by the said advertisement has now elapsed and various persons have filed claims to the said reward or portions thereof; and whereas the said claims cannot be satisfactorily disposed of except upon a hearing in the presence of the contending claimants:

Now know you, that reposing confidence in the loyalty, integrity, zeal and ability of you the Honourable Edmund Burke Wood, the Chief Justice of Manitoba, We do by these presents nominate, constitute and appoint you, the Honourable Edmund Burke Wood, as our Commissioner, authorizing you to cite the said claimants and any others of whom you may, prior to the hearing, be notified, to appear before you and to adduce the evidence in support of their respective claims. And we do hereby require you, the said Commissioner, to report for our information such evidence, and your opinion as to the rights of the respective claimants.

In Testimony Whereof, we have caused these Our Letters to be made Patent, and the Great Seal of Ontario to be hereunto affixed: Witness, The Honourable Donald Alexander Macdonald, Lieutenant-Governor of Our Province of Ontario, at Our Government House, in Our City of Toronto, in Our said Province, this 6th day of September, in the year of our Lord one thousand eight hundred and seventy-five, and in the thirty-ninth year of our reign.

By command,

R. S. BRODIE,

*Acting Assistant Secretary.*

O. MOWAT,  
*Attorney-General.*

On Wednesday, the 22nd day of September, I opened the Commission in Winnipeg, pursuant to public notice published in all the newspapers in Winnipeg, namely: *The Free Press*, the *Nor'-Wester*, and the *Standard*.

Mr. Cornish appeared for himself, and preferred a claim to participation in the reward. Claim filed.

*Francis Evans Cornish* being sworn, saith as follows: I came to this Province in the early part of the month of July, 1872—that is, on the 4th July. I found a great deal of dissatisfaction among the English-speaking portion of the people, because of the inaction in taking proceedings to arrest the murderers of Thomas Scott. In fact the whole administration of criminal justice was very much criticised by the same class of people, and in it they had no confidence, and were of opinion that their rights were not protected by law, and by those who had the administration of it. I was frequently spoken to as to the right of taking proceedings against the murderers of Scott, and I found that there was a strong conviction in the minds of many, that as the crime was committed before the transfer of Rupert's Land, no proceeding could be taken except by the Imperial authorities, who alone had cognizance of the matter; and this opinion seems to have originated with, and to have been enforced by, the officials having the administration of the Government and of the law; and I was informed, and I believe, that such a *dogma* or *proposition* was formally affirmed by the Legislative Assembly; and this conviction was not removed until the arrival of the Chief Justice, and his elaborate judgment in the case of the Queen against Lepine, on the plea raised in that case to the jurisdiction of the Court: That judgment settled the question. In these conversations the propriety of taking action was frequently discussed, but the proposal was always met with the remark—"that it would do no good, and would be useless, because it was supposed the officers of the law would not act, or if they did, they would act in such a way as that the ends of justice would be defeated;" and in proof of this it was mentioned that a warrant had previously been issued for the arrest of Riel and Lepine, but that it had been suppressed by Governor Archibald and his then Attorney-General, Henry J. Clarke, or some one acting under them. I was

requently spoken to by those who had been prisoners of the rebels, in respect to their civil rights, in regard to property taken from them, and other wrongs done them, and advised them they had legal remedies if the parties who did the wrong could be made to answer an execution in a Court of Justice. But no action was taken, for no one had any faith in the court or judges. This state of things continued till the autumn of 1873, when a report was current that Riel was to be brought into Winnipeg to give evidence against a man by the name of Buchanan, who was indicted for having at some prior time attempted to arrest Riel; and that Riel was to be protected by a hundred armed half-breeds. Several of us met, and we talked over the report, and debated whether or not the occasion should not be seized to effect the arrest of Riel and the other murderers of Scott. We looked upon this proceeding against Buchanan and the bringing of Riel in, for the purpose of supporting the indictment, as flaunting in our faces the murder of Scott, as a menace and defiance. This was about the month of September, 1873. Several met in my office. Forcible resistance to such action on the part of the authorities was freely spoken of, and seriously contemplated. We knew in this we would be supported by a large majority of the English-speaking people of the Province. At first in my office in the evening were Mr. Stewart Mulvey, Mr. H. W. Smith, Thomas Hughes and W. B. Thibaudeau. In our discussion as to what should be done, the question of the issuing of a warrant came up. The great fear and difficulty was—we could not get a warrant. Some proposed applying to one, and some to another, but it was concluded the persons mentioned would not act as magistrates and issue the warrants. I said the foundation of any proceeding for a warrant must be an information, and on oath, and it was best, if it could be done, to get one of those who had been prisoners to lay the information, and Joseph Crowson, who was a messenger or caretaker of the Legislative House, was suggested, as he had been a prisoner, and after his release was known to have been kind to the prisoners remaining in the Fort. Messrs. Hughes and Thibaudeau, of our party, went for Crowson, who came with them to my office. I explained to him our object in sending for him. He expressed his approval of the movement, but felt indisposed to lay the information—as it might cause the loss of his situation—if any one else could be got; but, failing to find any one else, he would do it, be the consequences what they might. He waited in my office to see if any one else could be got, when some one said Mr. W. A. Farmer, from Headingley, was at the Gerald House, who had been a prisoner at the Fort, and who if seen would most likely lay the information, and some of our party, Messrs. Thibaudeau, Hughes and Smith went for him, and shortly returned with him, who, on the matter being explained to him, said he would lay the information, and we then discussed to whom we should apply for the warrant. Some mentioned Judge Betournay, who was then and is now police magistrate. Others said he would not sign it. Some mentioned Dr. O'Donnell. Some said he would not sign the warrant. I said he would. It was finally arranged we should go to Dr. O'Donnell. I then drew up or prepared the information and warrant, of which a fair copy was made by Mr. Thibaudeau, my partner, and when ready Mr. W. A. Farmer and myself went to Dr. O'Donnell's house and found he had gone to bed. We called him out of bed, and explained the object of our visit, and asked him to take the information of Mr. Farmer and issue the warrant. He read over the information and warrant, and asked me, as his solicitor, if they were all right and in due form. I said yes, and he then swore Farmer to the information, and signed and issued the warrant, directed against Louis Riel, Ambroise D. Lépine and others. Mr. Farmer and myself returned to my office, where we found the parties I have mentioned waiting for us, to see what would be the result of the application for the warrant, the obtaining of which was regarded by all as a great triumph, and what few expected could have been obtained. We then went in search of the sheriff, and met him at the club-house, and explained to him we had the warrant, and wanted him to execute it that night. He promised to do so. I gave him the warrant on the understanding that he was to take it and execute it that night, and I supposed he would do as requested. The next day, or the day following, I saw the sheriff, and I had a severe altercation with him because he had not executed the warrant. His excuse was, the night the warrant was given to him he had searched Bannatyne's and Cunningham's houses, where it was rumoured Riel was. I was suspicious of the sincerity of the sheriff. I told him so, and I demanded he should at once execute the warrant, or hand it to me and I would get some one to execute it. I was fearful the effort would

prove abortive, as by that time it was noised abroad that the warrant was issued. The sheriff said he would have the warrant executed, and mentioned he would get Mr. John Ingram and others to execute it. On the night following the warrant was given to Ingram, who informed me he had it, and he was going to execute it, and he mentioned the names of the parties he had to go with him. I think they were John A. Kerr, Leon Dupont, besides the driver from the livery stable. On the following day after this, Lepine, I was informed, had been arrested, and was confined in one of the bastions at Fort Garry. Riel had not been arrested; but I was informed he could not be found at his residence, where John Ingram, to whom the sheriff gave the warrant, informed me he had gone and could not find Riel. Whether or not search was made in any other place I know not, but it was rumoured he was in or about St. Boniface at the time, where prior to this he and Lepine appeared at church and other public places as openly as anybody else, although I never saw either of them on the Winnipeg side of the river, except Lepine after his arrest. Riel not being arrested on the first warrant, and it being thought desirable to have different warrants in different hands, a second warrant was obtained from F. T. Bradley, a Justice of the Peace for the Province, which was given to John Ingram, the sheriff having taken from him the O'Donnell warrant after the arrest of Lepine. A third warrant was obtained from Mr. Justice Betournay, and given to Richard Powers; and I subsequently procured another, a fourth warrant, in consequence of information I had that Riel was going to pass through Toronto, which I forwarded to a party in Toronto. For all these warrants separate informations were taken and sworn to by Mr. Farmer. After the arrest of Lepine the preliminary examination of Lepine was proceeded with. Mr. Farmer appeared as prosecutor, and gave evidence; and he did all he could to suggest and have brought forward witnesses against Lepine. I attended to prosecute as a barrister, although I was retained by nobody; and Mr. Farmer was there, I believe, every day, doing all he could. The preliminary examination lasted from day to day for about three weeks; and a large number of witnesses were examined, and a large body of evidence collected. It was most difficult to find those who knew the facts, willing to speak them out. At last, however, I thought enough evidence had been obtained to commit, and Lepine was committed accordingly—for which, of course, I was never paid anything, nor did I ask anything from any one; but I acted on my convictions of loyalty and right, and would do the same thing and twice as much more in the same direction at any time. It is quite certain that the apprehension of Lepine and the subsequent proceedings are all due and owing to what I have described as having taken place at my office. But for what then and there took place I do not believe Lepine would have been arrested, or any of the subsequent proceedings against the other murderers would have followed. I was retained to, and did, conduct the case for the Crown on the trial of Lepine, and also on that of André Naault, for the preparation of both of which cases Mr. Farmer lent me valuable assistance in getting up the cases, and at the trials he was the first witness; and he sat by me and assisted me almost constantly throughout the trials. He did all he could, and spared neither time nor trouble in the matter. Others also assisted with the information at their command, but Mr. Farmer of course appeared, and was in fact known to be, and was the public prosecutor. I put in copies of letters to and from the Attorney-General of Ontario, marked "A." and "B."

(Signed) F. EVANS CORNISH.

*Stewart Mulvey*, being sworn, says: I came to Manitoba on 31st Aug., 1870, and have been here ever since. There was great excitement and ill-feeling existing between the two parties here then—the English and the French. The former supposed the latter, with few exceptions, to be disloyal. It was a sore conflict with the loyal men to restrain their feelings, seeing the rebels rewarded, and the murderers of Scott going unwhipped of justice, stalking about impudently and boldly amongst us. Delegations waited upon Governor Archibald requesting him to put the law in force, who were told by him that the law in this Province had no cognizance of the murder of Scott, or other crimes committed before the transfer of Rupert's Land and the Indian Territories to Canada. Informations were asked to be taken against the murderers of Scott repeatedly, and notably by one Charles Garrett; but no magistrate could be found to take the information or

issue the warrant, as all were instructed, as they stated, not to do so, as they had no jurisdiction over the offence. In illustration of this I will mention an occurrence which took place on Christmas or New-year's eve, just at the close of the year 1870. As I have mentioned, Garrett had for some time been trying to find some magistrate to take his information, and issue a warrant; but although he had applied, as he informed me, to every magistrate, they all declined. On this evening, one John James Setter, from the Portage, then a justice of the peace for Manitoba (now the deputy sheriff of the County of West Marquette), was in Winnipeg. I knew him. Garrett, at my instance, applied to him to take his information, and for a warrant. He consented to do as requested, but offered as an excuse that he had no forms. Garrett came to me and stated the difficulty. I had by me some old forms which I had brought from Ontario, soiled on the way, yet legible. From these I drew up a proper information and a proper warrant, and gave them to Garrett, who took them to John James Setter, who took the information on oath, and signed the warrant, and gave the warrant to Garrett, who delivered it to Captain Frank Villiers, who was then the Chief of the Provincial police, under Governor Archibald, to be executed. The warrant was for the arrest of Louis Riel, I think, alone. It may have been also against Ambroise D. Lepine and others, but I cannot state positively as to this. Garrett immediately informed me of what he had done. On that evening there was to be a *fete* in St. Boniface Cathedral, over the river, at which it was well known would be Riel, Lepine and the others, murderers of Scott, and it was intended the warrant should be executed on them that night; and Villiers was instructed so to execute the warrant. I told Garrett Villiers would not execute the warrant, and if he doubted me, to watch and see if he went over to the Cathedral. He did so, and shortly after he gave the warrant to him he saw him jump upon a horse, and gallop up and pass into the Fort, into the residence of Governor Archibald, where he remained some time. No arrest, nor any attempt at arrest, was ever made under that warrant; and the warrant was never heard of after, except that I think in 1872, in the House of Commons, the question came up incidentally, and the substance of the above facts stated, or the fact of the suppression of the warrant by Governor Archibald, when Sir John A. Macdonald admitted that Governor Archibald had suppressed the warrant, and offered as an excuse that the warrant commanded the peace officer to take the bodies of the murderers of Scott, *dead or alive*. I know this excuse to be without foundation. The warrant was not, I think, so worded, but I speak from memory; still it may have been so worded, but that was not the reason for its suppression, even if it were so. It was wantonly, and in violation of the most sacred right of the subject, to set the criminal law in motion, suppressed by Governor Archibald, under whom Mr. Villiers held his office. This incident indicates the state of the officers and officials in Manitoba until a very recent period. It is therefore no wonder the murderers of Scott went free so long after the commission of the crime, as the Attorney-General, and the Governor, and other officials were consorting with and protecting them from the honest individual action of Her Majesty's loyal subjects, who desired to bring them to justice and punishment. During 1871 and 1872, not a month passed hardly without some effort being made to secure the arrest of the murderers of Scott. Afterwards, prior to the 13th of September, 1873, there was a rumour that Riel was summoned to give evidence against one Buchanan, who was indicted, as was alleged, for having attempted to arrest Riel, and that Riel was coming under the protection of one hundred armed men to give evidence at the trial. I made inquiry of half-breeds to find out if it was true, and ascertained that on that morning thirty armed men were seen around Riel's house. The people in Winnipeg believed it, and prepared to accept the challenge and repel Riel and his guard. Excitement ran so high we did not consider ourselves safe. I met Mr. Thibaudeau and talked over the matter, and we concluded we would see Mr. Cornish, and went to Mr. Cornish's office. It was deemed advisable to get the attendance of others, and a meeting was held, composed of Messrs. Cornish, Thibaudeau, Hughes, Smith and myself. A discussion took place at the meeting whether the people here should arm themselves to protect themselves. I suggested that if Riel came with his half-breeds, we should fight it out to the bitter end; and if he did not, then we should then and there take steps to have him arrested, and the others implicated in the murder of Thomas Scott. All there decided this should be done; and Mr. Thibaudeau and some other one was sent for Crowson; but, as explained by Mr.

Cornish, he was excused from the laying of the information. Mr. Farmer was then mentioned, he having been a prisoner, and he was procured, and cheerfully entered into our arrangement, laid the information, and assisted in the preliminary examination and at the trial, as Mr. Cornish has mentioned in his deposition. I have no doubt that the arrest of Lepine and all the subsequent proceedings are solely due to what was done at the meeting at Mr. Cornish's office, as I have mentioned. The difficulty was to get persons to move who were fearless and who knew what to do, and who were determined it should be done. The gentlemen composing that meeting were of the character I have named. Mr. Cornish, from his well-known views, felt strongly on the subject, and besides he was a lawyer of standing, and no doubt greatly strengthened the application to the Honourable Dr. O'Donnell for the warrant. And the warrant having been given to the sheriff was followed up so closely by these men that it could not be well left unexecuted, whatever may have been the views or feeling of the sheriff on the subject. I do not think the reward at that time influenced a single man who acted in the matter. No allusion whatever was made to it. All were, I am convinced, actuated solely by loyalty, and a sense of right and justice in the premises. I recollect shortly before the meeting at the office of Mr. Cornish, Mr. John Ingram spoke to us about having Riel and Lepine arrested. He proposed to get Mr. John Taylor, of Headingly, a Justice of the Peace, to come down, and Mr. Farquharson to come down from House's Hotel and lay the information, and that he was going to the Portage and would see them and make the arrangement with them. This is all I know about the matter. I know that he was one of the parties who arrested Lepine, along with Dupont and Kerr.

(Signed) STEWART MULVEY.

*William B. Thibaudeau*, being sworn, saith: I came here in the autumn of 1871, from Kingston. I am a barrister, admitted in Ontario, and am a graduate of the University of Queen's College, and have taken the degree of Master of Arts. I have been and am now practising my profession. I have heard the evidence given by Mr. Cornish and Mr. Mulvey. I confirm what they have stated. The origin of the meeting was in this wise: John Ingram told me Riel was to be in town, to be concealed, as he thought, in Bannatyne's and Cunningham's house, and he said it was about time something was done. He was to appear at the Court, which was just then at hand, as a witness against Buchanan, who was indicted for attempting to arrest Riel some time before. I was then in partnership with Mr. Cornish, and before doing anything I, of course, consulted him. The reason no proceedings were taken against the murderers of Scott was that Governor Archibald set his face against it; and as he was his own minister, and every officer in the Province held his position at his pleasure, no one dared to act. This state of things continued down to the departing of Governor Archibald, and after Governor Morris succeeded him, in the autumn of 1872, to the time of the proceedings taken in the office of Mr. Cornish. We thought an end should be put to this public scandal, and that British justice should be vindicated, and that the material interests of the people should not be kept back by this great blotch on the fair fame of the country, deterring loyal men from coming to and settling in it. The difficulty was great. No constable could be got to act, for there were none except those directly under the control of the Government, and, as the sequel showed, the sheriff would not have acted had he not been forced to do so. As it was, Riel escaped. Had he done what he might have done, no doubt Riel would have been arrested. As it was, Dr. O'Donnell was immediately dismissed from the commission of the peace by Governor Morris, who, like his predecessor, Archibald, was his own Prime Minister, and responsible for every act of his administration. And from this it may be more than conjectured what were the difficulties surrounding any movement in the direction of bringing the murderers of Scott to justice. I recollect John Ingram speaking to me about arresting Riel a short time before the meeting in Mr. Cornish's office. He said he had met him about five miles from Winnipeg on that day, going towards St. Norbert. He seemed very anxious for his arrest, and I have no doubt now, had the sheriff given him the warrant when he first got it, he would have arrested Riel. As it was, he did not get the warrant till the next evening after the sheriff received it. I fully confirm all that Mr. Cornish says. He spoke to the sheriff about his not executing the warrant, and about his playing fast and loose about it. At the time the warrant was given to

him assistance was offered him, but he declined it, and after keeping the warrant for nearly twenty-four hours doing nothing under it, he was, by Mr. Cornish upbraiding him, forced to give it to John Ingram, who did all he could to execute it on Riel, but was too late, for he had fled—but who, with Dupont and Kerr, arrested Lepine. I am satisfied, had it not been for the action of the meeting and of the persons met at the office of myself and Mr. Cornish, Lepine would not have been arrested, nor would the subsequent proceedings against the murderers of Scott have taken place. I was present with and assisted Mr. Cornish at the preliminary examination of Lepine, and continued my efforts until he was fully committed for trial.

(Signed) W. B. THIBAudeau.

THURSDAY, 23rd September, 1875.

The Honourable John H. O'Donnell, M.D., being sworn, says: I am a doctor of medicine, and came here on 3rd November, 1869, and have been since I have been here practising my profession. In or about March, 1871, I was made a member of the Executive Council, and am such still. Shortly after I was made a Legislative Councillor, I, with the other members of the Council, was made a Justice of the Peace for the Province of Manitoba. On the evening of the 15th September, 1873, I was applied to by Mr. Cornish and Farmer to swear Mr. Farmer to an information, and issue a warrant against Riel, Lepine and others, the alleged murderers of Thomas Scott, at Fort Garry, on the 4th March, 1870. The information was ready, as was also the warrant. I read the information and warrant, and asked Mr. Cornish, knowing him to be a legal gentleman (and telling him he must recollect he was my lawyer), if they were in due form; and he informed me they were. I then swore Mr. Farmer to the information in due form, and signed the warrant, and then handed them back to Mr. Cornish.

On the following day, the 16th September, Joseph Dubuc, a member of the Assembly, and a leading member of what then was called here the "French party," and the apologist and defender of the murderers of Scott, called on me and asked me why I had issued the warrant. I answered I did not see why I should not, as a proper information was sworn to, and I had no reason to doubt the truth of the statements in the information. He asked me if I had read it. I said, "Yes, certainly." He said, "It is very regrettable." I do not remember that I made any answer to this. He then left. Either the next day or the day after I was informed by Mr. Cornish that Mr. Dubuc had reported that I had said to him, "I had not read the information or warrant." I told him it was false, and I now say and repeat, "if Mr. Dubuc has said anything of the kind it is wholly false; wholly untrue." Mr. Dubuc was then, and is now, a partner in the law-office of Mr. Royal, the then Provincial Secretary, and now the Minister of Public Works.

On the 16th of October following, on looking over the official *Gazette*, I noticed that my name was struck from the Commission of the Peace in the insulting terms: "*John H. O'Donnell is hereby dismissed from the Commission of the Peace of the Province.*"

Prior to seeing the above notice I had no intimation directly or indirectly that any charge had been made against me, or any such high-handed and unwarrantable proceedings against me were in contemplation. I had acted in no matter in a magisterial capacity for a long time prior to my being dismissed as aforesaid, except in taking the information and issuing the warrant I have mentioned. In fact I seldom ever acted as a magistrate except occasionally in taking and administering an oath or in taking an affidavit. I have no doubt I was dismissed from the Commission of the Peace solely and only because I took that information and issued that warrant.

Mr. Archibald resigned his position as Lieutenant-Governor in or about the latter part of the summer of 1872, and Lieutenant-Governor Morris, the present executive head of the Government, assumed the gubernatorial office in or about the autumn of the year 1872. During Governor Archibald's administration, and since then the administration of Governor Morris (a change was said to have taken place in this respect last autumn, when it was alleged responsible Government was introduced, with Mr. Davis as Premier). Mr. Archibald and, after him, Mr. Morris were their own Prime and First Ministers, and directly responsible for every act of the Government. At all events, in September, 1873, at the time I issued the warrant against the murderers of Scott, Mr. Morris was his own First Minister, and responsible for every act of the executive Government. I therefore, on



seeing the notice of my dismissal, to which I have referred, went directly to Mr. Morris, and I asked him the cause, stating that I had come to him as he alone was responsible for the act. He said he would not discuss that question with me. He declined giving me any information as to the cause, and said he supposed the official organ of the Government was the Provincial Secretary, through whom it was open to me to seek the information asked for. I accordingly addressed a note to the Provincial Secretary, of which the following is a copy:—

(No. 1.)

WINNIPEG, October 18th, 1875.

SIR,—In reading the *Manitoba Gazette* of the 16th, I notice my name is struck from the list of Justices of the Peace for this Province, I have the honour to ask what reason the Government had for taking this step.

Yours truly,

(Signed)

JOHN H. O'DONNELL.

To the Hon. Joseph Royal,  
Provincial Secretary.

To which I received the following reply:—

*Answer to No. 1.*

PROVINCIAL SECRETARY'S OFFICE.

To the Hon. J. H. O'DONNELL,  
Winnipeg.

SIR,—I have just received your note of to-day. In answer, I have to inform you that your demand with regard to the reason of your name being struck from the list of J. P.'s will be placed under the notice of the Executive Council at its first meeting, when I will be able to communicate to you the decision of the Government.

I have the honour to be,

Sir,

Your very obedient servant,

(Signed)

J. ROYAL,

*Provincial Secretary.*

Receiving no further communication from the Provincial Secretary, I again wrote him, as follows:—

(No. 2.)

WINNIPEG, October 20th, 1875.

SIR,—Yours of the 18th is before me, in which you say my letter to you of October 18th will be placed under the notice of the Executive Council at its first meeting, when you will be enabled to communicate to me the decision of the Government. I have the honour to request the date of that meeting.

Yours truly,

(Signed)

JOHN H. O'DONNELL.

To the Hon. Joseph Royal, }  
Provincial Secretary. }

I addressed the following letter to the Provincial Secretary, resigning my office as coroner:—

(No. 3.)

WINNIPEG, October 22nd, 1875.

SIR,—I have the honour to tender my resignation as Coroner for the County of Provencher, which I trust you will lay before the Governor in Council at your earliest convenience.

I may add that having this day received instructions from Daniel Carey, Esq., Clerk of the Crown and Peace, to proceed to hold an inquest into the death of one Benjamin Marcham, jun., and in view of having been recently dismissed from the Commission of the Peace for the Province without any charge or reason being communicated to me, I feel it to be unbecoming in me to continue to act as an officer of the present Government, and consequently have determined to tender my resignation as Coroner for Provencher.

Yours truly,

(Signed)

JOHN H. O'DONNELL.

To the Hon. Joseph Royal, }  
Provincial Secretary. }

*Letter of D. Carey, referred to in the above.*

(No. 4.)

OFFICE OF THE CROWN AND PEACE,

WINNIPEG, October 22nd, 1875.

JOHN H. O'DONNELL, M. D.

*Coroner, Provencher.*

SIR,—Information has reached this office that a man has died, named Benjamin Marcham, jun., near the Custom-house, on the frontier, from wounds received at the hands of one Michel Godin, at Fawcett's, in Dufferin, on the 10th instant. The man died yesterday. He has been attended in his illness by the military surgeon of the post on the American side of the line. Will you please hold the necessary inquest into his death?

Yours truly,

DANIEL CAREY,

*Clerk of Crown and Pleas.*

P. S.—Sub-Chief Powers and officer Ingram will be there, and make any necessary arrests.

*Letter to the "Free Press" referring to the above.*

(No. 5.)

WINNIPEG, October 25th, 1873.

*To the Editor of the "Free Press."*

As you will have seen by the Manitoba Official Gazette that I have been dismissed from the commission of the peace for the Province, and as I have demanded of the Government reasons for such a step, and they have not thought proper to comply with what I must consider a reasonable request, I am bound to assume it to be for issuing a warrant for the arrest of Riel, Lepine and others, and enclose you full particulars, that you may lay the matter before the public, that they may judge for themselves, and as a warning to other justices of the peace as to what they may expect in case they issue a warrant for any of those charged with being implicated in the Scott murder, and with whom the Government would appear to be in collusion.

I enclose you a letter which I received from Mr. Daniel Carey, Clerk of the Crown and Peace, instructing me to hold an inquest touching the death of one Marcham. I have felt it my duty to refuse to continue to act as an officer of a Government which is neither respected nor respectable, and I have tendered my resignation, a copy of which you may publish if you think proper.

Yours truly,

(Signed)

JOHN H. O'DONNELL.

*Second Letter to the "Press" referring to the above.*

(No. 6.)

WINNIPEG, January 6th, 1874.

*To the Editor of the "Free Press."*

In the Manitoba Official Gazette of December 24th I notice His Honor the Lieutenant-Governor in Council has been pleased to dismiss me from the office of coroner for the

County of Provencher. There may be a few people in the Dominion who know that Manitoba contains five persons called by some a Government, who know nothing of the character of the men so designated: I will feel obliged for space in your paper to put the public in possession of the facts of the case. On the 16th October, when, by the same power my name was struck from the commission of the peace of the Province, I at once called upon His Honor the Lieutenant-Governor to know to whom I should apply for the Government reason for this unusual and iniquitous proceeding.

I may here mention my reason for calling upon his Honor was, there was no recognized Premier. Hitherto, when any deputation by appointment waited upon the Executive, there was, as a rule, found no person to receive them but the Attorney-General, who on nearly all occasions resolved himself into a Committee of the Whole, as was done when the Incorporation Committee waited upon that "august body." His Honor the Lieutenant-Governor said the Provincial Secretary was the mouthpiece of the Government, and would doubtless give me the desired information.

On the 18th of October I addressed the Hon. Provincial Secretary, asking him the Government reasons for cancelling my commission of the peace. In reply, I was informed by that functionary that my letter would be placed under the notice of the Executive Council at its next meeting, when he would be enabled to communicate to me the decision of the Government. On the same date I again addressed the Hon. Provincial Secretary, asking the date of the next meeting of the Executive Council, but received no reply.

On the 22nd of the same month I received written instructions from Daniel Carey, Clerk of the Crown and Peace, to proceed to the parish of St. Agathe, near the frontier, to hold an inquest into the death of one Marcham. Feeling the recent cancelling of my commission of the peace to have been an act of the grossest injustice to myself, done purely and from no other motive than to satisfy personal malice, I felt it would be degrading in me to continue to act as a Government officer, whose members are lost to every principle of justice and fair dealing, and at once tendered my resignation to the Provincial Secretary as coroner for the County of Provencher.

Since the date of my resignation, on October 22nd, 1873, I have heard nothing until the *Manitoba Gazette* of December 24th appeared, in which you will find the name of Dr. J. H. O'Donnell dismissed from the office of Coroner for the County of Provencher. The above are the facts, and I will leave the public to judge for themselves as to the justice of the Government. In your issue of October 25, you will find there what I assume to be the outrage. The Government have never and do not dare make their reasons public, for the simple reason they have none.

(Signed) JOHN H. O'DONNELL.

My resignation was not accepted, but I was, in a subsequent *Official Gazette*, dismissed from the office of coroner for the County of Provencher.

(Signed). JOHN H. O'DONNELL.

*Thomas Hughes*, being sworn, says: I was one of the party who met at the office of Mr. Cornish, and mentioned by him. I heard his evidence and that of Mr. Thibadeau, and I say that the statements in their depositions respectively contained are correct and true. I came to Manitoba in 1870, as a volunteer in the first expedition. I fully agree with Mr. Cornish and Mr. Thibadeau as to the corrupt conduct of the officers of the law, and the want of confidence in the administration of justice. However much disposed the loyal people might be to have justice done, they were powerless, as the Executive Government and all officers under it were adverse to justice being done, and everything that could was put in the way of a proper administration of justice, from the Governor down to the lowest constable and policeman.

(Signed) THOMAS HUGHES.

*Hugh Walter Smith*, being sworn, says: I came to Manitoba in April, 1872, and have been here ever since. I had a brother here before me; he is here now. He is at present keeping a store in St. James's parish, and is a postmaster. At present I am out of employ. I am about twenty-five years of age. I attentively listened to the evidence

of Messrs. Cornish and Thibaudeau, and I say the statements contained in their depositions are true. I was one of the party referred to by Mr. Cornish and Mr. Thibaudeau as having arranged for the issue of the warrant and the arrest of the murderers of Scott. I aided the movement all I could. It succeeded as to the arrest of Lepine and subsequently of Nault. I do not think but for that meeting either Lepine or Nault would have been arrested. Prior to that I frequently saw Lepine over the river at St. Boniface. He was going about like anyone else. I know he appeared here in the spring of 1873 on the Grand Jury, and was sworn in as a Grand Juror at the Court-house in Winnipeg,—Judge Betournay presiding.

(Signed) HUGH WALTER SMITH.

*Wm. B. Hall*, being sworn, says: I came to this country in the autumn of 1858. I was here during the rebellion. I live at Headingly, where I have a farm of about 1300 acres. I have under cultivation and fenced some two or three hundred acres. I was appointed a magistrate and one of the first commissioners of the peace. I was always opposed to the French movement, and only escaped imprisonment by fleeing. I took up arms against the rebels. I and the Honourable Donald Gunn and William Dease were the only loyal magistrates appointed by that Commission, as I now recollect. On that Commission many disloyal men were appointed. I, with others, presented to the Government a written protest against such appointments, to which we received a haughty and unsatisfactory reply, the Governor working himself into a great passion at our temerity, and beating the table with his clenched fist; at which we left in disgust. Some time after I was so appointed, as I have mentioned, I had, as a Justice of the Peace, two applications for warrants against the murderers of Scott. I told the parties I would consult the Provincial Secretary, as I understood the Government discountenanced anything of the kind, and I did not wish to act without the consent or permission of the Government. The parties who applied were—I am positive as to Walker, Davidson and Hyman, who applied together. This was one application. As to the other party, I think it was Wm. A. Farmer. This was, I think, in the year 1871—at what particular time I cannot say; but it was, while Mr. Archibald was here. I saw the Provincial Treasurer, Mr. Thomas Howard, and stated the case to him. He equivocated and said he would advise me not to do it, as the Government did not consider that the Courts or the law here had any jurisdiction over the offence. The substance of this communication was that I was not to entertain any such applications. And I therefore did not, as I knew the officers of the law would not execute the warrant, and if executed, the Governor would at once order the discharge of the parties. I told the applicants it was useless to attempt to bring the murderers of Scott to justice until the Courts were differently constituted and the administration of justice was put beyond and above the executive Government. I heard of Lepine being sworn on the Grand Jury in the Court-house in Winnipeg, in 1873. I believe it to be a fact. It made me blush for the administration of British justice when I heard of it. This occurred while Mr. Morris was Governor.

(Signed) W. B. HALL.

*Wm. A. Farmer*, being sworn, says: I came here in September, 1869. I was here during the rebellion. I was a prisoner at the Fort for about five weeks. I was one of the party called the "Portage Party." We came down to liberate the prisoners then in the Fort, taken at Schultz's place. They were released, and we started home, but were treacherously intercepted and taken to the Fort prisoners. Scott was one of our party. While I was in prison Scott was taken out and shot. In the autumn of 1870 I was in Ontario on business, and went to Toronto to see Scott's brother, and he being absent I waited over one day, but as he did not return I left, although his wife was anxious I should wait longer and see her husband. After my return to Manitoba I received a letter from Scott's brother in Toronto, saying he thought it time some steps should be taken to bring the murderers of Scott to justice. I answered him the administration of justice and the attitude of the Government and the officers of justice were such that nothing could be accomplished; that I would take steps so soon as I thought I could accomplish anything. I think I received a subsequent letter on the same subject. Shortly after the Ontario Government offered a reward I entered into correspondence with Mr. Blake on

the subject of the arrest of Riel and Lepine, and made a proposition that I would procure a person and arrest them, and hand them over to the civil authorities here, as they passed my place weekly, both of them; but I stated I was of opinion they would not be brought to trial. He replied it would do no good unless they could be brought before a Court of competent jurisdiction. Previous to this, one Murray had applied to one Donald A. Smith, before Governor Archibald was sworn in, for a warrant for Riel and Lepine, and was refused. Many other attempts were made after Archibald was sworn in, but were abortive. The fact is the Government and all its officers systematically opposed any proceedings being taken and threw around the murderers of Scott the protection of the executive and judicial authority. In July, 1873, I met Attorney-General Clarke at Scratching River, and was introduced to him. He commenced a conversation on the subject of the murderers of Scott, and stated if they were brought before the Court he would prosecute them to the best of his ability. I told him he was quite safe in saying so, as he knew no magistrate dare give a warrant. He then said he would appoint a magistrate who would give a warrant if I would name one. Some time after I asked John Taylor if he would accept the position of a magistrate if offered to him. He said he would not ask the Government for such a position, but would accept it if offered to him. I saw or wrote to the Attorney-General and asked him to appoint Taylor, and he said he would have him gazetted after the first meeting of the Council. On the morning of the meeting of the Council I asked Mr. Gordon to write to the Attorney-General to have Taylor appointed, and Taylor was gazetted as promised. From conversations with the Attorney-General I was led to believe that at this time he was antagonistic to the other French members of the Morris Administration, and that if proceedings were taken he would not be hostile, but would assist in the prosecution. In September, 1873, it was rumoured that Riel was to attend the Autumn Assizes of the Court at Winnipeg as a witness on the indictment found against Buchanan for having attempted to arrest Riel. I recollect Mr. Thibaudeau stating it would be a good time then to get out a warrant and effect the arrest. On the evening of the 15th September Thibaudeau came to me in the Davis Hotel, and suggested that I should lay an information. I told him that I knew John Taylor would grant a warrant, but I did not suppose any other magistrate would. We left in search of Mr. Cornish and found him at the Club House, and went thence to the office of Messrs. Cornish and Thibaudeau, and Thibaudeau wrote an information and warrant at the dictation of Mr. Cornish. We had quite a discussion as to what magistrate we should go to, and several were mentioned, and amongst them Taylor, Stewart and Dr. O'Donnell. I thought Dr. O'Donnell would not issue the warrant, and suggested Stewart or Taylor. Mr. Cornish said he was quite sure O'Donnell would do it, and so Mr. Cornish and myself went to Dr. O'Donnell. He was in bed, but we called him out of bed, and he read over the information and warrant, and said, "Can't you get some one else? This will ruin me in my practice over in St. Boniface." Mr. Cornish said he was only doing his duty, and he ought not to hesitate. He then said, "Well, you are my attorney. Is it all right?" And Mr. Cornish said "Yes, they are in due form. It is all right," or words to the effect and purport aforesaid, and then Dr. O'Donnell swore me to the information and signed the warrant. Mr. John Ingram met us in the drug shop of Dr. O'Donnell, and he wanted the warrant right or wrong to execute it. He said he would arrest the parties if he got the warrant. I was in favour of giving the warrant to Ingram, but Mr. Cornish said he had spoken to the Sheriff, and that he had promised faithfully to execute it, and he thought it best to give it to him. The warrant was immediately handed to the Sheriff that night, who promised faithfully to have it executed immediately. The next morning it was known all over town a warrant had been issued; but the Sheriff had made no arrest. On the morning of the 17th of September, Lepine was arrested at his house by John Ingram, who had with him Dupont and Kerr, but Riel was not arrested. He could not be found. He had escaped, and has not to the knowledge of any one been back since. Subsequently André Nault was arrested on a bench warrant. I laid informations before F. J. Bradley and Judge Betournay respectively, and warrants were issued, as has been stated by other witnesses. I attended as prosecutor on the preliminary examination, which took about three weeks, and I spent much time in looking up and getting witnesses, and evidence at the investigation, and I appeared as the prosecutor at the trial of Lepine and Nault, and assisted the Crown in getting up and preparing the

evidence and procuring the attendance of witnesses, a matter attended with much difficulty and labour. In the trials alone I spent about four consecutive weeks. I gave evidence as the first witness on the trial of Lepine. Being a prisoner in the Fort when Scott was murdered, my evidence was important. I was also examined as the first witness on the trial of Nault. I recollect that Messrs. Mulvey, Smith, Thibaudeau, Cornish, and Hughes seemed to be acting together in the matter. What they had said or done together, before they came for me, I do not know. I recollect seeing them all at the office of Messrs. Cornish and Thibaudeau. Mr. Cornish attended the preliminary examination of his own accord, and without any retainer from me or any one else in so far as I know. We received assistance from all the loyal men in the country, in the way of information, as to who could and who could not give evidence. But I had much difficulty in getting from the other party witnesses who would state who decreed the death of Scott, and who actually murdered him, but I at last found such.

(Signed)

WM. A. FARMER.

*Leon Dupont* being sworn, says: I came to this country on the 28th November, 1871. I came up at the time of the Fenian raid, and have been here ever since. I am a native of France. I came to Canada in 1871. I am a Catholic. I remained with the force eight months, and was then discharged. I was then employed on what was then called the Provincial Police. That force has since been done away with. It was done away with immediately when Winnipeg was incorporated in the year 1873-1874. Louis de Planival was chief of the force. I was in the force four or five days, when he showed me a warrant against Riel, Lepine and O'Donoghue; it was an old warrant. He told me he got it from Captain Villiers. I offered to execute the warrant on Riel and Lepine. He said he dare not do it, as he was nominated to his position by Bishop Tache. On 22nd October, 1872, I was sent with two half-breeds to stay at St. Norbert by order of Attorney-General Clarke, to find out all about Riel and Lepine, and the murderers of Scott, and Père Richot's connection with it. One day I was talking with Père Richot about the arresting of the murderers of Scott. He said, "What! will you take the part of Orangemen? Instead of killing one, a dozen ought to have been killed." I reported this to Attorney-General Clarke. I saw Riel there almost every day. He was very frequently with Father Richot. I saw Lepine there occasionally, but not so frequently as Riel. De Planival was there once to see the police station. I asked him "had he that warrant?" At that time Riel was in Lemay's store. I proposed to take the warrant and arrest Riel. He said he could not do it without orders from Attorney-General Clarke. So Riel and Lepine were not arrested, or rather he did not order it. I pass over the time now to the 11th or 12th of September, 1873. One day I was called into his office by Mr. Clarke. He asked me if I was afraid to subpoena Riel. I said certainly not. In the afternoon I met the Sheriff, who gave me a subpoena for Janvier Richot, Paul Proulex and Louis Riel. The Sheriff told me to go with the subpoena next day, which would be a Sunday, to serve the parties. I went there exactly when the people came out of church. I saw and served Riel. He gave me his word of honour that he would come on the subpoena. He called some half-breeds together and told them that he was subpoenaed; and that he would obey the subpoena. They spoke up and said they would go with him. He said he was much obliged; he would go alone; he was not afraid. I did not find the other parties. This I should say would be about the 13th September, 1873. On Monday I went to Clarke's office, and told him that I had subpoenaed Riel. Clarke was angry because he was subpoenaed on Sunday, and said the Sheriff had spoiled the business by ordering the subpoena to be served on Sunday, a *dies non*. The Sheriff got new subpoenas, and another for Riel, in the place of the one served on the Sunday. On that same day, Monday, the 14th September, 1873, in the afternoon, I went to Riel's house, about four miles up the Red River. As I approached, I saw Riel go out of the back door. I went in and served some copies of subpoenas on his sisters and asked for Riel, and his mother said he was not at home; he had left in the morning, and she did not know where he was or when he would return. I left, so pretending, and watched the house from some bushes not far away, and after awhile, a quarter of an hour or so, I saw Riel go towards the house. I went into the house quickly without knocking, and I caught him and served him with the subpoena. He looked surprised and his mother cried. I asked him if he would come

and attend Court on the subpoena. He said "Certainly. He had given his word, and would come with one hundred men." I told him he might; the loyal people in Winnipeg would be enough for him. On Tuesday, the next day, the 15th September, 1873, I was in St. Boniface, in La Rivier's store, and there I saw Riel; he spoke to me, and said he would come to the Court if the Sheriff with a protection would meet him at the ferry. I told him both Clarke and the Sheriff had told me to tell him they would protect him. On the 16th of September I was in the office of Clarke, and he asked me if I knew where Lepine lived. I said, "Yes." The Sheriff was then in Clarke's office, and heard what was said. The Sheriff was twice at my boarding-house for me that night, but he found me at "The Pride of the West," and he took me into a private room, and showed and explained to me the warrant to arrest Riel and Lepine, and asked me if I would like to go. I asked him who would go with me? He said, "John Ingram." I said I was willing. About ten o'clock, Ingram, myself, and Kerr started in a waggon, one Sinclair being the driver. It rained heavily and was awfully dark. It took us nearly all night to get there. We were obliged to halt for daylight. We arrived at Riel's place about four o'clock, and found he had escaped. There was one half-breed close by, and we arrested him, so that he would not take word to Riel, but all to no purpose. Riel was gone. His mother was there, his sisters, and two or three half-breeds. We left for Lepine's house. We found him sitting, as if, as I thought, undressing; appearing as though he had been out, and was just preparing to take a sleep. Ingram arrested him. He at first seemed disposed to resist, and said in French he could take Ingram and myself, and knock us together like two balls, and smash us to pieces. I said to him in French he had better not try it, as Ingram had shot three men three days before. I said to him, "You have a wife and child, and had better come quietly." We all had weapons, which he could see. He then said he would go, and dressed himself and came with us. A mile from St. Boniface I put the irons on one of his legs, and on one of mine. He objected a little to this, but I expostulated with him, and at last he took it amicably, and we brought him to Fort Garry, and delivered him over to the Sheriff. Afterwards was along with Ingram at Point du Chêne looking for Riel, and at other places, but could not find him. I went to Père Richot, but could not find him. Father Richot did not receive me very cordially. From my action in this matter my countrymen and the French half-breeds have ever since persecuted me with great virulence, and refused to deal at stores where I have been employed as clerk. Indeed, they have tried in every way to ruin me and starve me, and I find it difficult on account of this persecution to find employment. For two or three nights after the arrest of Lepine my life was in danger, and for safety the Sheriff ordered me to come and sleep in his office.

(Signed) LEON DUPONT.

*Edward Armstrong*, Sheriff of the Province of Manitoba, sworn for himself says: On the 15th Sept., 1873, about the hour of eleven o'clock at night, a warrant was placed in my hands against Louis Riel, Ambroise D. Lepine and others for the murder of Thomas Scott, at Fort Garry, on the 4th March, 1870. The warrant was issued by Dr. O'Donnell, a Justice of the Peace residing at Winnipeg, in and for the Province of Manitoba, and a member of the Legislative Council. The warrant was handed to me by Mr. F. E. Cornish. I think he said to me—"Will you execute this warrant this night?"—I think I answered "Yes." The reason I so answered was from private information I had every reason to believe that Riel would have crossed the river from St. Boniface that night, and would have been secreted at a certain house in Winnipeg which I knew. Within half an hour after my receiving the warrant I took John Ingram, who was then my bailiff, and proceeded to the house of the late Robert Cunningham. I left John Ingram at the outside door, and I went up the upper stairs into the dwelling-house of Cunningham (which was the upper part of his printing office building), and found a light in one of his rooms. I took the light and knocked at what I knew to be Cunningham's bed-room. I was answered by a voice from within which I knew to be that of Mrs. Cunningham, "Who is there?" I answered it is the Sheriff of Manitoba; I want to see Mr. Cunningham particularly—and with that I opened the door and walked in. I found no one in the bed-room except Mrs. Cunningham and a child. I apologized and left the room and went into the sitting-room, and then went into the next bed-room, in which were sleep-

ing the children and servant girl. There was another room adjoining, a sort of storeroom, in which I looked but found no person. These were all the rooms except the kitchen. I thoroughly searched the whole house, but no one was in it except as I have mentioned, and Ingram and myself went over to Mr. Bannatyne's house. I went in, Ingram remaining at the door, and asked if Mr. Cunningham was there. The girl answered, "No, he is not." I asked if Mr. Bannatyne was in, and she answered he was, and I think at that Mr. Bannatyne came out from his bed-room in his pants and socks. I asked him if he had seen Cunningham that night? He answered, "No." I then bade him good-night, and went out and said to Ingram, "He has not crossed yet. We will go up along the bank of the river opposite St. Boniface, and see what is going on." This would be between twelve and one o'clock at night. We went down along the bank and sat down beside some logs which were piled up. After being there for some time, we thought we saw some appearance of a boat on the opposite shore, with some men moving about it. After waiting a considerable time nothing came of what we thought we saw. We waited some time longer, and finally concluded there was no likelihood of his crossing over that night or in the morning, as daylight then began to break, and we left. The next day we said nothing; but the issue of the warrant was, even during the night, as I learned next day, known all over town. During the day following I did nothing. At about ten or eleven o'clock on the night of the 16th, I sent Ingram, Dupont, and Kerr to arrest Riel and Lepine. These were the only persons on that side of the river at the time implicated in the murder of Scott, and at about three or four o'clock in the morning of the 17th they came to the Fort, where I was stopping with Lepine, and informed me that they could not find Riel. Riel all the time previous kept more or less concealed. Lepine did not try to conceal himself, but went around openly. I was informed and believe such to be the fact: that Riel, hearing of the issue of the warrant, left the country, and has not since been heard of here: Lepine was examined and committed for trial, and had his trial and was convicted at the October Assizes, 1874.

At the February Assizes, 1874, a true bill was found against Nault, Lagemoniere, Delorme and Richot (not Father Richot, but another person of the same name), and a bench warrant was issued and handed to me for their arrest. On it I arrested Nault and Lagemoniere. John Ingram, George Young, Andrew Ingram, James Deagon and John Bruce, who went with us to point out the place, were with me as my assistants. We arrested Nault at his place, about 8 o'clock in the evening. It was on or about the last of May. Previous to that he had been out of the country at Pembina, but was, as I was informed, brought back by Father Richot, and had only just returned. Lagemoniere had never been away, nor did he attempt to keep out of the way. I did not attempt to arrest him until I secured the arrest of the others. Therefore he was not arrested until after Nault was arrested. André Nault resisted me, but my force was sufficient to oppose all resistance, and we took him without much trouble. In putting the handcuffs on Nault he tried to bite me. I was knocked down by some one who came rushing out of Nault's house, but I could never ascertain who he was. For assaulting me Nault was indicted and pleaded guilty at the June Assizes, in 1874. He was tried for the murder of Scott at the Autumn Assizes, in 1874, but the jury did not agree. Before another assizes came round, the amnesty resolutions of the House at Ottawa were passed, and Nault was bailed and finally pardoned, along with the rest of the murderers of Scott. Lagemoniere was discharged, it appearing he opposed instead of promoting the killing of Scott.

(Signed)

EDWARD ARMSTRONG,

Sheriff.

*George M. Young*, sworn, for himself says: About the last of May, 1874, I met John Bruce in the street. I asked him "What news?" He said André Nault is home, working at his fence. I took him to Stewart's drug store, and told him to remain there till the evening, and I would see him; and I started to see John Ingram, as I understood he had the warrant for Nault's arrest. I found him, and he had not the warrant, and we went to the Sheriff to get the warrant. We told the Sheriff. It was evidently news to him. The Sheriff said he would execute the warrant himself, but would not give it to Ingram. The Sheriff said he would go that night. I volunteered to go along to identify Nault, as neither the Sheriff nor Ingram knew Nault. I told him from whom I got my



information, and that Bruce was at Stewart's drug store. He requested us to ask Bruce to come and see him. We did so. Bruce seemed disappointed, and said it would come to nothing if the Sheriff had anything to do with it. That night passed and nothing was done. The Sheriff did not go, as he said he would. The next day, at about 3 o'clock, I saw the Sheriff, who told me to be on the other side of the Assiniboine River at half-past seven. I was there at the appointed time, and there met Ingram. The Sheriff came at 8 o'clock in a waggon, with two men and a driver, and we started and called for Bruce at his home, and took him along to point out the place; and all went to within three-quarters of a mile of Nault's house, who lives on the bank of the Red River; and there is only a bridle path down from the high road to the house. Bruce told us where the house was, and directed us, and remained at the waggon, and finally turned back and went home. We went down the bridle path to Nault's house. The Sheriff and Deagon went to the front door, followed by Ingram and his brother about twenty feet behind. I went to a small window at the back of the house. There was a light in the house; it was lit up. It was about half-past 9 o'clock. I put my face against the window and looked in, and saw five men and two women. Among the men I recognized Nault, and at that moment he recognized me. He was sitting at a table in the centre of the room. He was in his shirt and pants. He instantly sprang for the door, and I ran around the house. As I reached the front of the house I saw Nault, who was rushing out of the door, strike the Sheriff, and pass through his hands. At the corner of the house he encountered Ingram, who struck him, and then caught hold of him and held him. I ran to Ingram's help, and in doing so passed the Sheriff, who was struggling on the ground with one of the other men whom I saw inside as I looked in at the window. I assisted Ingram, and we together overpowered Nault, and had got the handcuff on the wrist of the right arm when the Sheriff and Ingram's brother, who had been assisting the Sheriff in his struggles on the ground, came to help us. The Sheriff asked me if I knew the man. I said "Yes. This is he" (meaning the man whom we were handcuffing). One side of the handcuff was locked, and we could not get it open. So I held one arm and Ingram was on the other side, and by wrenching Nault's arm made him go along towards the waggon at the high road. I took out my revolver and put it to his side, threatening to shoot if the women would not let us alone, who were pulling and tearing at us all their might. In the meantime the Sheriff, Deagon and Ingram's brother were keeping back the four men, who were rushing at us. At last Deagon took Ingram's place at the side of Nault in hurrying up the bridle path to the waggon, and Ingram turned back to help the Sheriff keep the men and women back which by this time were collected. At the first Nault and the rest of the women screamed and whooped so as to alarm the whole neighbourhood. At last we reached the waggon, forced Nault on the middle seat and tied him to it with a rope, and we started at a walk until the Sheriff and the rest overtook us, which they did almost immediately. The Sheriff and Ingram's brother laid down in the bottom of the waggon, so that none might get a shot at them. The driver and Ingram sat on the first seat; I sat on one side of Nault and Deagon on the other. In that way we went at a rapid pace, drove into town and lodged Nault in gaol at about half-past eleven o'clock in the night. Nault was bleeding at the nose and about the head. I went at the instance of the Sheriff for the gaol surgeon. This ends my connection with the arrest of Nault. I am the son of the Reverend George Young, Wesleyan Methodist minister, in charge of that Church in Manitoba and in the north-west territory. When the Sheriff and those with him got to the waggon we could see a crowd running along the side of the fence and in the road. But so soon as he got in we drove at a very rapid pace and in this way distanced our pursuers.

(Signed) GEO. M. YOUNG.

*John Ingram*, being sworn, for himself says:—About the 20th of August, 1873, I met Riel about four miles from Winnipeg, on the Winnipeg and Pembina road. I stopped and talked to him for awhile. I asked him if he had heard anything of young Dease, whom I was in search of. He said he had not. I then bade him good evening and passed on my way. I was going towards Winnipeg and he was going towards St. Norbert. At the time I did not know him. He was on horseback. Two half-breeds were along with him on foot—one on each side. After I had passed him about two miles I was

overtaken by an English half-breed, with whom I got into conversation, and who asked me if I met a man on horseback. I told him I did, and spoke to him. He then told me that man was Riel. I think the English half-breed was Campbell. He lives in St. Andrew's. When I came to Fort Garry I met Mr. Thibaudeau, and I told him there was a meeting at St. Norbert at Father Richot's church, and that I had met Riel, and I believed he was going to that meeting; and I requested him to go and see Mr. Stewart Mulvey, and I would see Mr. R. A. Davis (who then talked loudly about the arrest of the murderers of Scott, but subsequently very much changed his views), and see if a party could not be got up to go and arrest Riel. I saw Davis and unfolded to him my plan. He seemed to think we could do nothing, as the Government had taken no action and would not do so. I said to him if through him and Mr. Mulvey and Mr. Cornish, and such like men, I could get half-a-dozen to go with me, I would arrest Riel without any warrant. At this he suggested that the parties should be got together, and see what could be done. I tried to get a meeting of Mulvey, Davis, Cornish, Thibaudeau and others, to so see what should or could be done, but failed, and nothing came of it. Nothing further occurred important to mention till about the 9th September, 1873, when I was serving summonses for the Sheriff, and was acting as Sheriff's bailiff. I was in the Sheriff's office and he informed me there was a subpoena for Riel in his hands for service, and told me not to say anything about it. At that time I had to go to the Portage-la-Prairie, and I requested the Sheriff to keep the subpoena till I returned and I would serve it. He said he would. I again then went and saw R. A. Davis and Stewart Mulvey, and informed them of the subpoena being out for Riel, and that the Sheriff was going to keep it till I returned from the Portage, and asked them if they could not get some person to lay an information against Riel, and that John Taylor, of Headingly, was a Justice of the Peace, and would, as he had informed me, issue the warrant, and that when I subpoenaed Riel I would also arrest him. The matter was talked over, and it was thought I could get Farquharson, who had been a prisoner, and was stopping at House's, near White Horse Plains, to lay the information. Taylor lives about twelve miles west of Winnipeg, and House's place is about twenty-five miles west of Winnipeg, both on the road to the Portage. And I agreed I would see Taylor and Farquharson on my way to the Portage, and send them down to Winnipeg to have the warrant got out. I said I would send them to R. A. Davis's tavern. I did this. On my return I ascertained that the Sheriff had employed one Dupont to serve the subpoena on Riel, and that he had served Riel. The Sheriff told me this. I asked how he came to do it. He said it would have been too late if he had waited for me. I did not think it safe to take the Sheriff into my confidence about the arrest of Riel. I had no confidence in him. I saw both Taylor and Farquharson here. They had both come down as agreed. They were at R. A. Davis's tavern when I saw them. I saw Davis at his tavern, but he said nothing. Both Taylor and Farquharson were willing to act, but Davis would not have anything to do with it; so nothing in the way of getting out a warrant was done. About this time it was talked over town that Riel was going to attend Court, and come protected by a hundred armed men. It was also rumoured that as he was subpoenaed by the Government to prove a charge against one Buchanan for assaulting Riel in, as it was said, an attempt to arrest Riel for the murder of Scott, if necessary Riel would be protected from arrest by the Government troops. On the evening of the 15th September, 1873, Mr. Cornish told me there was a meeting in his (Cornish's) office, and he said they were going to get out a warrant for Riel and give it to me to execute. I therefore got my revolver and knife ready to go and execute the warrant, as I had been promised. I went to Dr. O'Donnell's, where I saw Mr. Cornish and Mr. Farmer, and spoke to Mr. Farmer and requested that the warrant might be given to me. He tried to get it for me, but Mr. Cornish said he had promised it to the Sheriff, who had pledged his word of honour to execute it that night. So the warrant was given to the Sheriff. I was present when it was given to the Sheriff. It was about eleven o'clock at night when the warrant was given to the Sheriff. I did not think the Sheriff then in a fit state to execute such a warrant. I took the Sheriff aside and tried to get the warrant from him to execute it, but he would not give it to me. It was on our way to Cunningham's house that I asked the Sheriff to give the warrant to me to execute it. I said to the Sheriff I thought it nonsense to look for Riel at either Cunningham's house or Bannatyne's house. And after the Sheriff had

gone into the houses and did not find Riel, I said to the Sheriff—"You say Riel will be at one or the other of these houses. It seems to me absurd, especially after you have been there. Give me the warrant and I will get Mr. Richard Powers to go with me and go to Riel's house, where I am quite sure I shall find him before he gets word of what is going on. You place men to watch these houses, and if you are right in your conjectures, all well. But I am sure you are wrong, and if you delay in going at once to and watching Riel's house, you will not succeed in his arrest." To this the Sheriff said: "No; you with Kerr will have to go to the Lower Fort for some prisoners in the morning, and I will see what can be done in the morning." It then began to be morning. I then with Kerr went down to the Lower Fort for some prisoners, and brought them. In town I met the Sheriff, and I asked if he had done anything with the warrant. He said he had made inquiries, but could not find out anything as to the whereabouts of Riel. I again asked for the warrant, and he said he would give it to me to execute that night. I then spoke to Kerr about going with me, and walked with the Sheriff down to R. A. Davis's tavern, when the Sheriff told me he had employed Dupont to go with us as a guide. Dupont was there. I told the Sheriff privately I thought he had made a mistake in confiding this matter to Dupont, as I had no confidence in him. I still entertained suspicions, and do so still. I charged Kerr, who could speak and understand French, not to allow him, before we started, out of his sight or to speak to any one except in his hearing. At last about nine o'clock we got started—myself, Kerr and Dupont, with a driver. It was very dark, rainy and muddy, and he failed to guide us right, and we lost our way and did not get to Riel's till about four o'clock in the morning, the distance being about five miles. We searched Riel's house high and low, but could get no trace of him. He had evidently during the previous day got word of the issue of the warrant and fled the country. I have always believed if the Sheriff had given the warrant to me on the night previous, I could have secured his arrest. But now it was too late. Failing to find Riel, we drove back with all the speed we could command to Lepine's place, which we had passed in going to Riel's, where we arrived just at broad daylight. We all jumped out of the waggon and I rushed in, and found Lepine as I thought not getting up, but pulling off his clothes as though he were going to lay down. I arrested him (a description of his arrest is given by other deponents). I handed Lepine over to the Sheriff at Fort Garry. Shortly after I was sent for by Attorney-General Clarke. He congratulated me on arresting Lepine, and said: "We will do our utmost to arrest Riel, now that we have got one of the frog eaters;" and I know he tried to arrest Riel, but Riel had left the country. As to the arrest of Nault, I have heard the deposition relating thereto of George Young, and I say his account of that matter is accurate. From what I know of the subject, and I was in a position to know all about it, it is my opinion that the Sheriff would not have actively tried, and did not actively try, to arrest the murderers of Scott until he knew that Clarke, the Attorney-General, at first secretly, and afterwards openly, aided and abetted it. Such was the state of matters in Manitoba till a year and a half ago, prior to the arrival of the Chief Justice, that it is doubtful, without the aid of the Attorney-General, if any successful move in that direction could have been made by any one. Still I was willing and most anxious to do so, and did all I could to set the law in motion; and although others, as R. A. Davis, were profuse in promises and talked vigorously, but when it came to the point they would do nothing. I may add, that I assisted in arresting Lagemoniere. But in all I did I acted simply from a sense of right and loyalty to the Queen. I then had no thought of the reward, or of asking for it, but I submit if any one is entitled to any portion of it I am, if not better entitled to participate in it than any one else.

(Signed)

JOHN S. INGRAM.

The following is a letter received from John James Setter, Esquire, Deputy Sheriff of the County of West Marquette, a gentleman of high character and unquestionable veracity:—

In the month of December, A.D. 1870, I was a justice of the peace in and for the Province of Manitoba, and in that capacity, on the 31st day of December, A.D. 1870, one Charles Garrett, of the Town of Winnipeg, made oath before me that one

Thomas Scott had been murdered at Fort Garry, in the said Province of Manitoba, on the 4th day of March, A.D. 1870, by order of one Louis Reil. I consequently issued the warrant of which the following is a copy :—

Province of Manitoba, } To Captain Villiers, Chief of Police, and all other constables.  
To Wit : } Personally appeared before me, John James Setter, one of  
Her Majesty's justices of the peace in and for the Province of Manitoba, on this 31st day  
of December, Charles Garrett, of the Town of Winnipeg, tavern-keeper, who makes oath  
and saith that on the fourth day of March, one thousand eight hundred and seventy,  
one Thomas Scott was wilfully and unlawfully shot to death by order of one Louis Reil,  
at Fort Garry. This is therefore to command you and all other constables of the Pro-  
vince of Manitoba, or either of the constables of the said Province, to arrest the said  
Louis Reil, and to bring him personally before me, to be dealt with according to law.

And that in case of resistance of the said Louis Reil, I do hereby order and com-  
mand you to bring his body dead or alive before me.

Witness my hand and seal, this thirty-first day of December, A.D. 1870.

(Signed) JOHN JAMES SETTER. [L.S.]

I further state that the warrant was never executed, and also that some time afterwards the Hon. John Norquay informed me that he had been told that Lieutenant-Governor Archibald stated that I would have been appointed a member of the Legislative Council of the Province of Manitoba had I not issued the warrant. Further I state that in the spring of 1871, my commission as justice of the peace in and for the Province of Manitoba was cancelled, and a new commission as justice of the peace for the County of Marquette was given me, and I have reason to believe that this action was taken in consequence of my having issued the warrant, and I know of no other reason for such a step being taken in regard of my commission.

Witness my hand this twenty-first day of October, A.D. 1875.

(Signed) JOHN JAMES SETTER.

Witness : WM. J. LAUD.

*To His Honor the Lieutenant-Governor of Ontario.*

MAY IT PLEASE YOUR HONOR :

In pursuance of the Commission to me directed, bearing date the sixth day of September, 1875, authorizing me to cite before me the several persons who had preferred claims, and all others who might desire to prefer claims, to be entitled to the reward of five thousand dollars, or to some portion thereof, offered by the Government of the Province of Ontario to such person or persons as should be instrumental in bringing the murderers of the late Thomas Scott, who was murdered at or near Upper-Fort Garry, in what is now the Province of Manitoba, but was then a part of Rupert's Land, on or about the 4th of March, 1870, or any of them to trial for the said murder before any Court of competent jurisdiction, and to require of and permit them or any of them severally to adduce their and his several and respective proofs and allegations in support of their and his claims respectively, and that I should hear, take down and record in writing all such proofs and allegations of the respective claimants, and that I should report such proofs and allegations, and my opinion as to the right of the several claimants, for the information of your Honor : I did on Wednesday, the 22nd day of September, 1875, at the Court House in the City of Winnipeg, pursuant to public notice in that behalf published in all the newspapers in Winnipeg, viz., the *Free Press*, the *Nor'-Wester* and the *Standard*, open the said Commission and proceed with the investigation. There were present in their proper persons all those who have preferred claims (except John A. Kerr, who appeared by Mr. Biggs, his attorney), namely : William A. Farmer, Francis E. Cornish, C. B. Thibaudeau, Thomas Hughes, H. W. Smith, Leon Dupont, John S. Ingram,

(called John Ingram), George M. Young, Edward Armstrong, and John A. Kerr, to whom I read the Commission, and my instructions, the notice appointing the meeting, stating the object and the proclamation of His Honor offering a reward of \$5,000, and a draft letter, a duplicate original of which had been mailed to each of the claimants to the effect following :

"WINNIPEG, September 15th, 1875.

"SIR,—I have the honour to inform you that I shall open the Commission and proceed with the inquiry as to who, if any, are entitled to participate in the reward of \$5,000 offered by the Government of Ontario for the apprehension and bringing before a Court of competent jurisdiction the murderers of Thomas Scott, at Fort Garry, in March 1870, at the Court House in Winnipeg, on Wednesday, the 22nd instant, at 11 o'clock A.M.

"You are notified to be in attendance with your witnesses and proofs.

"Yours, &c.,

"E. B. WOOD."

And I then, before proceeding to take any evidence, requested each claimant to sign the following undertaking, which all did in my presence :

"We, the undersigned, claimants in respect of the reward offered by the Ontario Government for the arrest and bringing to trial, before any court of competent jurisdiction, the murderers, or any of them, of Thomas Scott, at Fort Garry, on or about the 4th day of March, 1870, do hereby agree to submit our several claims to the investigation and report of the Chief Justice of Manitoba, appointed a commissioner in that behalf by the Lieutenant-Governor of Ontario, and to the final decision under the evidence to be taken thereunder, and the report thereon by the Chief Justice, of the Lieutenant-Governor in Council of the said Province of Ontario, and to be bound by such final decision.

"Dated this 22nd September, 1875.

"WM. A. FARMER.

FRANCIS E. CORNISH.

C. B. THIBAudeau.

THOMAS HUGHES.

H. W. SMITH.

LEON DUPONT.

JOHN S. INGRAM.

GEO. M. YOUNG.

E. ARMSTRONG, *Sheriff*.

JOHN A. KERR,

*By his solicitor S. C. Bigg."*

I then heard, took down, and reduced to writing the statement of each claimant, and of such other persons as they or any of them thought proper to produce before me—all under oath (with the exception of that of John James Setter, who was at a distance). The taking of the depositions in the manner aforesaid occupied several days. I herewith transmit the original notes of the depositions, signed by the respective deponents. I also transmit, as an appendix to, and as forming part of this report, a copy of the depositions, marked Z. I also transmit the correspondence respecting the several claims of the claimants, which, after the investigation that has now taken place, I regard of little or no importance.

I now proceed to make some observations respecting the case submitted :—

1. I have had great difficulty in finding any principle upon which I can satisfactorily adjust and determine the rights of the several claimants.

It will be observed that "the reward is offered to such person or persons as may be instrumental in bringing the murderers of Scott, or any of them, to trial before a court of competent jurisdiction; and in case more than one person become entitled to participate in the reward, it will be equitably apportioned."

Every loyal and just man in the settlement felt that the murderers of Scott should

be brought to trial, and they aided and promoted action which should lead to that result all they could ; and all they could do was on all occasions to express their opinions, and advise that some steps should be taken, in some way or another, by somebody or another, whereby this end should be accomplished. At the same time all knew that all were powerless to put into successful operation the law, and that to attempt it would only subject the movers to persecution by the Governor and his officials. In this sense very many were *instrumental* in procuring the arrest of Lepine and Nault, and the outlawry of Riel and O'Donoghue. But I think the word "*instrumental*" means something more than counselling, approving of, and, when action was taken, supporting and defending those who took the responsibility of setting the law in motion, and of following it up as a private prosecutor, until Lepine and Nault, two of the murderers of Scott, were brought to trial before a court of competent jurisdiction, and on the trial appearing as prosecutor, and procuring and marshalling the evidence and witnesses which led to the conviction of Lepine, and should have secured and eventually would have secured the conviction of Nault. (The jury disagreed in the trial of the Queen *vs.* Nault—tried at the same assizes as Lepine—and at the ensuing assizes he was bailed in consequence of the amnesty resolutions passed by the House of Commons, and was finally, along with the other murderers of Scott, pardoned.)

2. There seems to be no question, from the origin of the Government of Manitoba, in the latter part of the summer of 1870, down to the autumn of 1873, the Executive head and the officials not only systematically opposed any proceedings being taken against the murderers of Scott, and directly or indirectly warned all peace officers to entertain no application to proceed against them, but also threw around them the shield and the defence of the whole Executive authority—declaring publicly and privately that the law could not take cognizance, and the courts had not jurisdiction over the offence ; but that it was a matter, if cognizable at all by any tribunal, belonging exclusively to the Imperial authorities.

This will account for the fact that during this time, the murderers of Scott made no effort to conceal themselves, but went about as though no charge were hanging over them, and no effectual steps were taken for their arrest ; and that the efforts that were made in this direction proved abortive, and that the marked displeasure of the Executive was manifested to all those who had or should presume to have anything to do with any movement having for its object the arrest of the murderers of Scott. It was a favourite doctrine that neither the Manitoba nor the Canadian Courts had jurisdiction of the offence, and therefore no one had any legal right to set the law in motion ; and this proposition received all the weight and force that could be given to it by the Governor, and by the written and published opinions of gentlemen standing high in the profession in the older Provinces. All these facts and circumstances had a depressing influence on individual effort to bring to trial the murderers of Scott. In this connection it must not be forgotten, that under the Manitoba Act of 1870, the Governor was his own Prime or First Minister, and that his advisers were simply his agents and instruments, whom he could retain or dismiss at pleasure, and who were not obliged even to have seats in either House of the Legislature. The Governor was, during the first four years of the government of Manitoba, legally, theoretically and practically supreme, and since thence practically, if not legally and theoretically, supreme.

3. It appears that, in the summer of 1873, Governor Morris's Attorney-General, Henry J. Clarke, had a quarrel with Riel and his friends about the representation of the County of Provencher in the Commons ; and from the evidence of Mr. Farmer, it will be found that about the latter part of August of that year, the Attorney-General expressed himself confidentially to Mr. Farmer that he was personally favourable to the prosecution of Riel and Lepine and the murderers of Scott ; and that if proceedings were taken, and the murderers arrested, he would prosecute them to the best of his ability. Mr. Farmer replied to him, " You may safely say that, for you well know that no magistrate dare issue a warrant." The Attorney-General then said that if Farmer would send him the name of a proper person who would act in the premises, he would have him appointed at the next meeting of Council. Farmer said he would do so. Farmer subsequently sent him the name of John Taylor, an English half-breed residing at Headingly ; and true to his word, the Attorney-General, at the next meeting of Council, had him put on the commis-

sion of the peace. This must have taken place in the fore part of September, 1873, shortly before the issue of the warrant by Dr. O'Donnell on the 15th September, 1873. It is also to be noted that the Attorney-General about this time decided to bring on for trial an indictment against one Buchanan (which had stood over for several assizes) for having attempted to arrest Riel at his house, without a warrant, and he no doubt did this as a pretext for getting Riel over on the Winnipeg side of the river, and within easy reach of any one who might have a warrant for his arrest. Accordingly, he had Riel subpoenaed through the Sheriff, by his special bailiff for that purpose, Dupont. The first subpoena was served on Riel on Sunday, the 12th September. A second was served on him on Monday, the 13th of September. Dupont swears he saw Riel at the store of La Rivere, in St. Boniface, on Tuesday, the 14th September, and talked with him. Riel said to Dupont, he would attend on the subpoena, provided the Sheriff would meet him at the shore of the Red River and protect him. Dupont had no doubt set afloat the story that Riel was coming to the assizes, which were to be held on the 16th or the 17th of September, with 200 armed half-breeds to protect him, if need be. The motive and purpose of the Attorney-General were not known, except, perhaps, they were strongly suspected by the Sheriff and Ingram, and one or two others, as Farmer. However this may be, it is quite certain that the Sheriff would never have undertaken to arrest any of the murderers of Scott had he supposed it would have been disapproved of by the Attorney-General. It will not be forgotten that the Attorney-General recommended Dupont to the Sheriff to serve the subpoena on Riel, and that before he took any effectual steps for the arrest of any one (going to Cunningham's house and Bannatyne's house amounted to nothing, and the Sheriff must have known it would amount to nothing), he had the writ in his hands nearly twenty-four hours, and the fact of the issue of the warrant flew like the wind over the whole Province. He saw the Attorney-General and arranged with him whom he would send to arrest Riel and Lepine, and the Attorney-General recommended to him Dupont. The Sheriff therefore knew before he had taken genuinely sincere steps to arrest any of the murderers of Scott that the Attorney-General secretly approved of the movement, and he took no such steps till twenty-four hours after he had received the warrant. Lepine never attempted to keep out of the way. Riel always did, more or less; and so soon as he knew what was intended he fled, and has not been back in the country. What the Sheriff did on the night he received the warrant could have no other effect than warn Riel that he was after him, and that he must flee or be arrested. He took the warning and fled. Had the Sheriff done as any prudent man would have done, and as Ingram wanted him to do, send and set a secret watch on Riel's house, immediately on getting the warrant, in all probability he would have succeeded in his arrest. There was not then, nor was there ever, any difficulty in finding Lepine. From the first he had determined to brave it out, and he did so. This was well known to all. The whole difficulty was in effecting the arrest of Riel, and effectually setting the law in motion against the others. From what Dupont had reported, all sorts of rumours were set afloat. Great excitement prevailed in Winnipeg, which is almost entirely settled by English people and those speaking the English language. This gave rise to the meeting at the office of Messrs. Cornish & Thibaudeau, on the evening of the 15th of September, of Cornish, Thibaudeau, Hughes, Smith, Mulvey and others mentioned in the depositions of Cornish and others, to which Mr. Farmer was subsequently added, which resulted in the issue of the warrant by Dr. O'Donnell for the arrest of the murderers, and upon which warrant, on the evening, or rather in the morning, of the 17th of September, Riel was ascertained to have fled, and Lepine was arrested.

4. It is worthy of observation, as showing the attitude at that time of the Executive head of the Government on this question, that shortly after the issue of the warrant, Dr. O'Donnell was, without being furnished with any ground or charges, unceremoniously dismissed from the commission of the peace; and although he pressed for the grounds, they have never yet been furnished him. As bearing upon this point, his evidence, and that of Messrs. Cornish and Farmer, establishing what actually took place at the taking of the information and the issue of the warrant, will well repay a careful perusal. It is also to be observed that His Honor the Governor did not instruct his Attorney-General to appear, nor did he appear, as counsel for the Crown on the preliminary examination of Lepine before Mr. Justice Beaurivage, but kept aloof from it altogether; while Mr. Royal, the Provincial

Secretary to the Governor, appeared and acted as counsel for Lepine. The position taken in respect of the murderers of Scott by the Attorney-General, subsequent to the fall of the John A. Macdonald Government, which took place the last of October, or the fore part of November, is well known; and I venture the opinion that that event had no small influence, in this respect, upon Lieutenant-Governor Morris.

5. I have now to make a few remarks on the merits of the claimants. It will be observed that there are in all ten. Neither Dr. O'Donnell nor Stewart Mulvey, nor indeed any one else, after the fullest notice and ample time, prefer or make any claim. *William A. Farmer*, of Headingly, is the only one who, with a view of obtaining the reward, and also influenced by a sense of right, for he is a gentleman who stands well, at an early date took steps to procure the arrest of the murderers of Scott, and although baffled and beset with all sorts of difficulties, persisted, until to a certain extent, it was accomplished. He hesitated not boldly to prosecute, and continued that attitude until the trial and conviction of Lepine and the trial of Nault. He assumed the responsibility of laying the information and setting the law in motion which led to these results. I therefore think he is entitled to much more of the reward than any other of the claimants. I think he may receive \$2,000. *Cornish* and *Thibaudeau* stand about on the same footing. Had it not been for them the warrant would not have been issued when it was; although it no doubt would have been shortly issued by John Taylor, through Mr. Farmer. I think each of these parties may be paid \$400. Nothing was ever paid either of them for their services on the preliminary examination.

*Dupont*, *Ingram*, Sheriff *Armstrong*, and *Kerr* were officers of the law, and, doing what they did in the arrest of the murderers of Scott, were simply executing process placed in their hands as any other process, for which, of course, they were paid the ordinary fees and charges. I have had more or less difficulty in making up my mind in respect of the Sheriff. He is certainly deserving of credit for his manner of action in the arrest of Nault; but his conduct in respect of the arrest of Riel and Lepine is open to suspicion; still he may have acted to the best of his judgment; but, looking at it from the standpoint of the present, it seems not to have been dictated by wisdom or prudence; still it may have been so. I therefore class all these officials together. I think they may each be paid \$330.

*George M. Young* volunteered to assist in the arrest of Nault, and did good service. See his evidence. I think he stands in a different position from that of Smith and Hughes, who did nothing but advise and talk. I think *George M. Young* may be paid \$300.

This disposes of all the claimants except Thomas Hughes and H. W. Smith. These gentlemen actually did nothing except, as they state, and as I have no doubt is the fact, they advised, counselled and approved of the movement arranged in the office of Messrs. Thibaudeau and Cornish for the issue of the warrant and the arrest of the murderers of Scott, and were ready and willing to act in any way in the accomplishment of this object. It is difficult to say, where the claims of all rest on such questionable basis, that these should be rejected; for, after all, the arrest of Lepine and Nault, and their trial, is attributable to the combined action of all the claimants, with that of other persons who have not made, and will not make, any claim. I therefore think *Hughes* and *Smith* may each be paid \$290.

The allocation of the reward of \$5,000 will therefore stand as follows:—

William A. Farmer .....	\$2,000 00
Francis E. Cornish .....	400 00
C. B. Thibaudeau .....	400 00
Leon Dupont .....	330 00
John S. Ingram .....	330 00
Edward Armstrong (Sheriff) .....	330 00
John A. Kerr .....	330 00
George M. Young .....	300 00
Thomas Hughes .....	290 00
H. W. Smith .....	290 00

\$5,000 00



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I do not think it would be inappropriate, under the circumstances, rateably to deduct from the above amounts the cost and expenses of the Commission. However, that is a matter for the consideration and decision of your Honor.

I cannot say I am altogether satisfied as to the results ; but after the most mature consideration, I do not well see how I could improve on the *substance* of my Report. It will, of course, be for your Honor to examine the evidence, and so change, alter, or entirely set aside the Report as to your Honor shall seem right and just.

All of which is respectfully submitted.

E. B. Wood.